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10/002,333	11/14/2001	David Emerson	42390.P12368	3313

7590 10/05/2005  
John P. Ward, Esq.  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER
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NGUYEN, PHUONGCHAU BA

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/002,333

Applicant(s)

EMERSON ET AL.

Examiner

Phuongchau Ba Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 6, 12 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-11, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugar (US 2002/0061031 A1).

**Regarding claim 1:**

Sugar discloses System and Methods for Interference Mitigation among Multiple WLAN Protocol. According to Sugar, Asynchronous Connectionless (ACL) carries asynchronous data (e.g., for file transfer). ACL packets are 1, 3 or 5 slots in duration.

*identifying data for transmission* (a Multiple Protocol Communication Device-MPD functions as a bluetooth master to exchange data with other slave terminals. The MPD identifies data with a largest multi-slot packet (1, 3 or 5 slots) for transmission in order to achieve the highest throughput efficiency, see 0082, 0092-0094);

*determining a number of time-slots available for the transmission* (the MPD transmits 5-slot ACL packet in the 5-slots duration of the even-numbered timeslots that are the available timeslots for downlink data transmission to the slaves, see 0079 & 0093-0094); *and*

*identifying a data packet from a plurality of data packets to transmit a portion of the data* (if a 5-slot packet, for achieving the highest throughput efficiency, cannot be found, a single or a triple slot packets are considered as portion of the ACL data to be transmitted, see 0093-0095).

*selecting, from the plurality of data packets, a data packet to transmit a portion of the data in accordance with characteristic of the transmission* (see 0093-0095)

**Regarding claim 2:**

Sugar further discloses *wherein the identifying the data packet includes identifying a data packet (a largest multi-slot packet) from the plurality of data packets which can be transmitted in a largest portion of the data within the time-slots available (even-numbered downlink slots) (the MPD identifies the largest multi-slot packet (1, 3 or 5 slots) for transmission in even-numbered downlink timeslots to achieve the highest throughput efficiency, see 0094).*

**Regarding claim 3:**

Sugar further discloses *wherein the data includes at least a minimum amount of data required by the data packet (if a largest multi-slot packet, 5-slot packet, for achieving the highest throughput efficiency, cannot be found, a single or a triple slot packets are considered as a minimum amount of the ACL data in order to be transmitted, see 0093-0095).*

**Regarding claim 4:**

Sugar further discloses *identifying a data packet* (a largest or shortest multi-slot packet) *from a plurality of data packets* (ACL data packets) *to transmit all the data* (if the largest multi-slot packet (5 slots) found, the largest multi-slot packet of ACL data packets is transmitted by the MPD, and if the largest multi-slot packet is not found, a shortest multi-slot packet known as a single or a triple slot packets of the ACL data packets will be transmitted, see 0093-0095 & 0141-0143).

**Regarding claim 7:**

In Sugar, MPD 12-fig.2 is a laptop computer augmented with the appropriate hardware and/or software, in which the hardware should include a memory for storing instructions to perform various steps. In other words, Sugar's software product stored on a processor readable memory causes the processor to perform the below steps, see 0039 & 0046 (corresponding to *a computer-readable medium having stored thereon a set of instructions to translate instructions, the set of instructions, which when executed by a processor, cause the processor to perform a method comprising*)

*identifying data for transmission* (a Multiple Protocol Communication Device-MPD functions as a bluetooth master to exchange data with other slave terminals. The MPD identifies data with a largest multi-slot packet (1, 3 or 5 slots) for transmission in order to achieve the highest throughput efficiency, see 0082, 0092-0094);

*determining a number of time-slots available for the transmission* (the MPD transmits 5-slot ACL packet in the 5-slots duration of the even-numbered timeslots that

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are the available timeslots for downlink data transmission to the slaves from the MPD, see 0079 & 0093-0094); *and*

*identifying a data packet from a plurality of data packets to transmit a portion of the data* (if a 5-slot packet, for achieving the highest throughput efficiency, cannot be found, a single or a triple slot packets are considered as portion of the ACL data to be transmitted, see 0093-0095).

*selecting, from the plurality of data packets, a data packet to transmit a portion of the data in accordance with characteristic of the transmission* (see 0093-0095)

**Regarding claim 8:**

Sugar's processor readable memory causes the processor to perform the below step, *wherein the identifying the data packet includes identifying a data packet (a largest multi-slot packet) from the plurality of data packets which can be transmitted in a largest portion of the data within the time-slots available* (even-numbered downlink slots) (the MPD identifies the largest multi-slot packet (5 slots) for transmission in even-numbered downlink timeslots to achieve the highest throughput efficiency, see 0094).

**Regarding claim 9:**

Sugar's processor readable memory causes the process to perform the below step, *wherein the data includes at least a minimum amount of data required by the data packet* (if a largest multi-slot packet, 5-slot packet, for achieving the highest throughput

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efficiency, cannot be found, a single or a triple slot packets are considered as a minimum amount of the ACL data in order to be transmitted, see 0093-0095).

**Regarding claim 10:**

Sugar's processor readable memory causes the process to perform the below step for *identifying a data packet* (a largest or shortest multi-slot packet) *from a plurality of data packets* (ACL data packets) *to transmit all the data* (if the largest multi-slot packet (5 slots) found, the largest multi-slot packet of ACL data packets is transmitted by the MPD, and if the largest multi-slot packet is not found, a shortest multi-slot packet known as a single or a triple slot packets of the ACL data packets will be transmitted, see 0093-0095 & 0141-0143).

**Regarding claim 13:**

In Sugar, MPD 12-fig.2 is a laptop computer augmented with the appropriate hardware and/or software, in which the hardware should include a memory for storing instructions to perform various algorithms (*programmable modules*). In other words, Sugar's software product stored on a processor readable memory causes the processor to perform the below steps, see 0039 & 0046 (corresponding to *a computer-readable medium having stored thereon a set of instructions to translate instructions, the set of instructions, which when executed by a processor, cause the processor to perform a method comprising*)

(1) *identifying data for transmission* (a Multiple Protocol Communication Device-MPD functions as a bluetooth master to exchange data with other slave terminals. The

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MPD identifies data with a largest multi-slot packet (1, 3 or 5 slots) for transmission in order to achieve the highest throughput efficiency, see 0082, 0092-0094);

(2) *determining a number of time-slots available for the transmission* (the MPD transmits 5-slot ACL packet in the 5-slots duration of the even-numbered timeslots that are the available timeslots for downlink data transmission to the slaves from the MPD, see 0079 & 0093-0094); *and*

(3) *identifying a data packet from a plurality of data packets to transmit a portion of the data* (if a 5-slot packet, for achieving the highest throughput efficiency, cannot be found, a single or a triple slot packets are considered as portion of the ACL data to be transmitted, see 0093-0095).

**Regarding claim 14:**

Sugar further discloses MPD 12-fig.1 is a bluetooth master device functioning as a hub or router to transmit data packets to slaves, see 0039 (corresponding to *wherein the computing system includes a computer network router*).

**Regarding claims 5, 11, 15:**

As to claim 5, Sugar discloses the step of identifying the data packet that includes identifying a data packet from the plurality of data packets which is least error prone packets (Sugar, page 5, paragraph 0059, wherein Sugar determines the bit error rate (BER.) of each packet to be transmitted. The packet with lowest BER will be least



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error prone). As to claims 11 and 15, claims 11 and 15 recite substantially similar limitations and are similarly analyzed.

3. Claims 5, 11, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Mansfield (US 6,704,346).

Mansfield discloses identifying data for transmission, determining the number of time slots available and identifying data packets to be transmitted. See col. 6, lines 29-36. Further Mansfield discloses identifying that least error prone packets (DMI instead of DH1 packet usage). See col.15, lines 11-50. Note: The claim merely states that the packet least prone to error is identified. In Bluetooth, DM and DH identification is inherent (FEC and without FEC respectively).

#### ***Allowable Subject Matter***

4. Claims 6, 12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments filed 7-12-5 have been fully considered but they are not persuasive.

A/. Applicant argued that Sugar does not teach or suggest "determines a number of timeslots available for transmission, identifies a plurality of data packets that fit into

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the available timeslots, and then selects a data packet to transmit a portion of data identified for transmission in accordance with characteristic of the transmission”.

In reply, Applicant admitted that Sugar allowed the MPD to use 5-slot packets to achieve the highest throughput efficiency. And if less than 5 packets are available the MPD transmits single or triple-slot packets. Thus, the 5-slot packets met a number of timeslots available, only the packets that were identified in the slot availability would be accepted (i.e., 1, 3 or 5 slot packets; page 7, 0082).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Phuongchau Ba Nguyen  
Examiner  
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**DUCHO**  
**PRIMARY EXAMINER**



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